



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

DOD: 8-22-04		<p>KATHYANNE CHASE ELMORE, Surviving Spouse and Administrator with Full IAEA without bond, is Petitioner.</p> <p>Petitioner states there is no property subject to administration. Petitioner states that at the time of filing of the Petition for Probate, she also filed a Spousal Property Petition. All matters relating to the property owned by Decedent were ultimately settled with Decedent's son, Mathew Cary Elmore, the only intestate heir, as part of the settlement of the Spousal Property Petition. A Spousal Property Order was filed 3-8-06 pursuant to that settlement.</p> <p>The only creditor's claims filed against the estate were filed by Petitioner and she has withdrawn them. No other claims were filed.</p> <p>Both Petitioner and Attorney waive compensation and Petitioner is not seeking reimbursement for costs advanced.</p> <p>Petitioner requests an order that the administration of the estate be terminated and such further relief as the Court deems proper.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Petitioner does not address whether notices per Probate Code §9202 were required or sent to DHS, Victim Comp Board.</p>
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters	3-17-05	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202	X	
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
N/A	FTB Notice		
<p>Reviewed by: skc</p> <p>Reviewed on:</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1 - Elmore</p>			

Atty Holman, Jeffrey (Attorney in pro per, Petitioner/Guardian Ad Litem)

Atty Ach, David L (for Trustee, David Colburn)

Guardian ad Litem Request for Fees and for Termination [Prob. C. 1003(c)]

			JEFFREY S. HOLMAN is petitioner.	NEEDS/PROBLEMS/COMMENTS:
			Petitioner states the court appointed him guardian ad litem for minors, Serena Claire Venables, Isabell Venables, Oliver Robert Pomeroy Johnson Smith and the unborn beneficiaries of the Trust Under the Will of Edith Pomeroy. The purpose of the appointment was to represent the minors in connection with a petition by the trustee David Colburn to terminate the trust, pursuant to Probate Code § 15403.	
Cont. from 082212				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg		Petitioner states he did various work in investigating and evaluating this matter. In addition to that work, he spent time preparing, filing and distributing his report and this request for fees.	
✓	Aff.Mail	W/		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.		Petitioner states he is a sole practitioner with offices located in Los Altos, California. He is in his 9 th year of practice in as a trusts and estates attorney.	
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections		Petitioner requests fees totaling \$3,295.00 (per itemization and declaration 8.2 hours of attorney time at \$375/hr and 2.2 hours of staff time @100/hr.)	
	Video Receipt			
	CI Report		Petitioner request reimbursement of costs totaling \$70.76 for postage (\$12.86) and filing fee service (\$57.90)	
	9202			
✓	Order		Supplemental Petition filed on 8/16/12 request additional attorney fees because the probate clerk determined that his request for compensation constituted a new, separate proceeding. Accordingly, the clerk set the matter for hearing and charged an additional \$435.00 filing fee. This led to additional time and expense for which Petitioner requests compensation and reimbursement.	
	Aff. Posting			
	Status Rpt			
	UCC/JEA			
	Citation			
	FTB Notice			
			Please see additional page	

Reviewed by: KT

Reviewed on: 10/18/12

Updates:

Recommendation:

File 2 - Pomeroy

Supplemental Petition filed on 8/16/12 continued:

Petitioner states the additional time he and his staff has spent (a) determining why a new hearing was set and clarifying for trustee that the hearing on the underlying trust petition had not been rescheduled, (b) preparing, filing and serving this supplement, (c) appearing telephonically at the hearing on August 22, and (d) preparing and submitting a revised proposed order.

Petitioner requests additional compensation in the sum of **\$1,092.50** and costs totaling **\$550.95** (filing fee, Court Call and court runner fees).

(1) Petition to Close and Distribute Estate on Waiver of Account and (2) to Approve Reimbursement of Funds Advanced by Administrator and (3) to Approve Payment of Attorney's Fees

[illegible]

4 Manuel R. Gonzales (Estate)

Case No. 11CEPR00865

Atty Bagdasarian, Gary G. (for Petitioner/Administrator Richard Gonzales)

(1) First and Final Account and Report of Status of Administration of Administrator and Petition for Settlement Thereof and (2) For Allowance of Statutory Attorney's Fees and Administrator's Compensation and (3) for Extraordinary Administrator's Compensation and Reimbursement of Costs to the Administrator, for Extraordinary Attorney's Fees and for Reimbursement of Costs to the Attorney and for (4) Final Distribution

DOD: 9/10/11		RICHARD GONZALES , Administrator, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Administrator is requesting \$1,410.00 in extraordinary commissions for house cleaning and repair. The declaration is a listing of tasks performed which does not comply with California Rules of Court 7.702. The declaration should list (1) the nature and difficulty of the tasks performed, (2) show the results achieved, (3) show the benefit to the estate, (4) specify the amount requested for each area of service performed, (5) State the hourly rate (6) describe the services rendered in sufficient detail to demonstrate the productivity of time spent. 2. California Rules of Court 7.703 (b) includes a non-exclusive list of activities, for which extraordinary compensation may be awarded. House cleaning and repair do not appear on the list. It appears that house cleaning and repair could be considered part of the statutory commission. Please see additional page
		Account period: 11/1/11 – 88/21/12	
		Accounting - \$84,613.00	
		Beginning POH - \$84,100.00	
		Ending POH - \$26,235.68	
Cont. from		Administrator (statutory) - \$2,820.00	
<input checked="" type="checkbox"/>	Aff.Sub.Wit.	Administrator x/o - \$1,972.50 (\$1,410.00 for the clean-up of the real property and \$562.50 for dealing with the estates vehicles and sale of real property)	
<input checked="" type="checkbox"/>	Verified	Administrator costs - \$510.38 (trailer rental, gas, supplies for clean-up)	
<input checked="" type="checkbox"/>	Inventory	Attorney - \$2,820.00 (statutory)	
<input checked="" type="checkbox"/>	PTC	Attorney x/o - \$10,050.00 (8.9 hrs to evict tenant, 3.2 hrs regarding vehicles & 28.10 hrs for sale of real property charged at \$250 per hour)	
<input checked="" type="checkbox"/>	Not.Cred.	Attorney costs - \$1,800.50 (filing fees, probate referee, publication, recording, certified copies)	
<input checked="" type="checkbox"/>	Notice of Hrg	Closing reserve - \$1,000.00	
<input checked="" type="checkbox"/>	Aff.Mail	Distribution, pursuant to intestate succession, is to:	
	Aff.Pub.	Carol Borgogno - \$1,012.46	
	Sp.Ntc.	Kathy Susan Gonzales - \$1,012.46	
	Pers.Serv.	Cheryl Gonzales - \$1,012.46	
	Conf. Screen	Richard Gonzales - \$1,012.46	
<input checked="" type="checkbox"/>	Letters 11/2/11	Amy Gonzales - \$ 337.49	
<input checked="" type="checkbox"/>	Duties/Supp	Jesus Gonzales - \$ 337.49	
	Objections	Joseph Gonzales - \$ 337.48	
	Video Receipt		
	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
<input checked="" type="checkbox"/>	FTB Notice		

Reviewed by: KT

Reviewed on: 10/18/12

Updates:

Recommendation:

File 4 - Gonzales

3. It appears that several of the items listed in the request for extraordinary fees for the attorney regarding the sale of real property would be considered statutory. Such as:

11/2/11 - Obtaining certified copies of Letters of Administration and recording Letters of Administration with Fresno County Recorder's office, drafting of letter to client in connection with same. - .70 hours @ \$250/hr = \$175.00

11/8/11 – Drafting of Changes in Ownership Statement and Claim for Reassessment Exclusion - .50 hours @ \$250/hr = \$125.00

11/9/11 – Execution of Claim for Reassessment Exclusion70 hrs @ \$250/hr = \$175.00

11/21/11 – Drafting of letter to client re: insurance premiums40 hrs @ \$250/hr = \$100.00

**Petition to Revoke Full Authority to Administer Decedent's Estate Under the
Independent Administration of Estates Act and Grant Limited Authority, and to
Revoke Requirement of a Bond (Prob. C. 10450-10454)**

DOD: 3-13-12		JANA L. NELSON , Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petitioner was appointed Administrator with full IAEA with bond of \$105,000.00 on 7-2-12.	<p>Note: The original Petition estimated \$89,226.00 in real property and \$14,800.00 in personal property; however, the nature of the personal property is not yet known. A status hearing for the filing of the I&A is set for 11-30-12.</p> <p>Note: Examiner notes that numerous creditor's claims have been filed in the estate totaling over \$14,000.00.</p> <ol style="list-style-type: none"> 1. Need Order. 2. Need Letters.
		Petitioner states Letters have not issued.	
<input checked="" type="checkbox"/>	Aff.Sub.Wit.	Waivers of bond and Assignments of Interest have now been filed by all other heirs and Petitioner is now the sole heir.	
<input checked="" type="checkbox"/>	Verified		
	Inventory		
	PTC		
	Not.Cred.	Petitioner requests that the bond previously ordered be revoked.	
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	ww	
	Aff.Pub.	Petitioner believes it is in the best interest of the estate to administer the estate and those interested in it to administer the estate with limited authority under the IAEA.	
	Sp.Ntc.	Petitioner does not intend to sell any of the real property and there are no funds in the estate for costs of administration or statutory fees.	<p>Reviewed by: skc</p> <p>Reviewed on:</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6 - Nelson</p>
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp	Petitioner requests an order that full IAEA is revoked and limited IAEA is granted; that Letters issue; that no bond is required; and such further orders as the Court may deem proper.	
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C.
1820, 1821, 2680-2682)

Age: 85		TEMPORARY EXPIRED 9-26-12 (It was not extended at the hearing on 9-26-12.)	NEEDS/PROBLEMS/COMMENTS: <u>Court Investigator Advised Rights on 9-19-12.</u> <u>Continued from 9-26-12.</u> <u>As of 10-18-12, nothing further has been filed. The following issues remain:</u> 1. <u>Need clarification:</u> The petition indicates a request for additional powers pursuant to Attachment 1.I.; however, there is no attachment. Are additional powers requested? 2. <u>Need clarification:</u> The petition does not request medical consent or dementia medication and/or placement powers; however, according to the Court Investigator's report, Petitioner had scheduled Mr. Waer dementia evaluation, and teeth pulled for dentures, at a cost of approx. \$2,000.00. <u>If medical consent and dementia medication and/or placement powers are requested, need Amended Petition with Mandatory Judicial Council Form GC-313A (dementia request attachment) and amended service; and</u> <u>A Capacity Declaration will need to be filed to support findings pursuant to Probate Code §2356.5.</u>
Cont from 092612			
<input type="checkbox"/>	Aff.Sub.Wit.	<p>PUBLIC GUARDIAN is Petitioner and requests appointment as conservator of the person and estate.</p> <p>Voting rights NOT affected</p> <p>Estimated Value of Estate: Personal Property: \$ 50.61 Annual Income: \$35,345.88 Total: \$35,396.49</p> <p>Petitioner states Mr. Waer (85) is currently living independently in his own apartment, and is able to dress and groom himself without assistance; however, Mr. Waer displays bad judgment on a number of issues. He has a tendency to accept rides from people he does not know well and reveals financial information to them, which could endanger him. He has allowed a friend to move in with him that is a registered sex offender. Mr. Waer states this friend assists him by cooking and cleaning; however, inspection revealed minimal food in the apartment. Mr. Waer is not capable of preparing his own meals. Conservatorship will ensure that Mr. Waer's medical and personal needs are continuously met. He would benefit from placement in a setting where he will receive supervision and proper care in the least restrictive setting.</p> <p>Petitioner also states Mr. Waer is unable to manage his own finances and resist undue influence. After his wife's death eight years ago, he was assisted by family. However, they stopped assisting him when he allowed the "friend" to move in. Mr. Waer now disregards his son Tim and calls this man his son.</p> <p>Petitioner states Mr. Waer does not appear to have many expenses, yet his bank account is depleted, and he has repeatedly relied on cash advance companies to meet his bills. He has no recollection of signing his car over to his friend.</p> <p>Court Investigator Julie Negrete filed a report on 9-19-12.</p> <p style="text-align: center;"><u>SEE PAGE 2</u></p>	
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail		W
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.		W
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input checked="" type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: skc Reviewed on: 10-18-12 Updates: Recommendation: File 8 - Waer

Declaration filed 9-24-12 by Attorney Bagdasarian, Court-appointed counsel for Mr. Waer, states:

- The petition does not contain and the attorney has not received an Attachment Requesting Medical Consent or Dementia Medication and/or placement powers or a Capacity Declaration
- Attorney Bagdasarian met with Mr. Waer on 9-21-12 at his apartment. Mr. Waer was strongly against the imposition of conservatorship of his person or his estate, and indicated that he was able to obtain his own food and cook same, and was able to use the bus service to get to any place he needed to go. He also indicated he would take care of any bills that he had to write checks for.
- Mr. Waer could not explain exactly to whom the vehicle was titled, other than to indicate that he was in the process of selling the vehicle to his friend. He indicated that the vehicle was impounded, but did not know why, and that Louis Rodriguez had indicated that if he provided license, proof of insurance, and payment of funds, the vehicle would be released.
- Mr. Waer indicated that he enjoyed living at his apartment. Attorney Bagdasarian met a neighbor who indicated he had befriended Mr. Waer, and that Mr. Waer needed the attorney's help to remain in the apartment. Mr. Waer related many stories of his WWII experiences, and also the benefits that he felt had been provided by Mr. Rodriguez.
- When asked about his income, Mr. Waer could not identify where the balance of his funds was spent after payment of household expenses, and indicated that he had to obtain cash advance loans in order to pay his monthly expenses.
- Based on observations, and although Mr. Waer was adamantly against the Fresno County Public Guardian being the Conservator of his Person or Estate, Attorney Bagdasarian would recommend that, pending the receipt of the Capacity Declaration and other information in connection with the request of the Public Guardian with regard to any determined dementia, that the temporary conservatorship remain in place.

Petition for Letters of Administration; Authorization to Administer Under IAEA With Limited Authority (Prob. C. 8002, 10450)

DOD: 12/25/2011 Cont. from <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;"></td> <td style="width: 85%;">Aff.Sub.Wit.</td> <td style="width: 10%;"></td> </tr> <tr> <td style="text-align: center;">✓</td> <td>Verified</td> <td></td> </tr> <tr> <td></td> <td>Inventory</td> <td></td> </tr> <tr> <td></td> <td>PTC</td> <td></td> </tr> <tr> <td></td> <td>Not.Cred.</td> <td></td> </tr> <tr> <td></td> <td>Notice of Hrg</td> <td></td> </tr> <tr> <td style="text-align: center;">✓</td> <td>Aff.Mail</td> <td style="text-align: center;">W/</td> </tr> <tr> <td></td> <td>Aff.Pub.</td> <td></td> </tr> <tr> <td></td> <td>Sp.Ntc.</td> <td></td> </tr> <tr> <td></td> <td>Pers.Serv.</td> <td></td> </tr> <tr> <td></td> <td>Conf. Screen</td> <td></td> </tr> <tr> <td style="text-align: center;">✓</td> <td>Letters</td> <td></td> </tr> <tr> <td style="text-align: center;">✓</td> <td>Duties/Supp</td> <td></td> </tr> <tr> <td></td> <td>Objections</td> <td></td> </tr> <tr> <td></td> <td>Video Receipt</td> <td></td> </tr> <tr> <td></td> <td>CI Report</td> <td></td> </tr> <tr> <td></td> <td>9202</td> <td></td> </tr> <tr> <td style="text-align: center;">✓</td> <td>Order</td> <td></td> </tr> <tr> <td></td> <td>Aff. Posting</td> <td></td> </tr> <tr> <td></td> <td>Status Rpt</td> <td></td> </tr> <tr> <td></td> <td>UCCJEA</td> <td></td> </tr> <tr> <td></td> <td>Citation</td> <td></td> </tr> <tr> <td></td> <td>FTB Notice</td> <td></td> </tr> </table>		Aff.Sub.Wit.		✓	Verified			Inventory			PTC			Not.Cred.			Notice of Hrg		✓	Aff.Mail	W/		Aff.Pub.			Sp.Ntc.			Pers.Serv.			Conf. Screen		✓	Letters		✓	Duties/Supp			Objections			Video Receipt			CI Report			9202		✓	Order			Aff. Posting			Status Rpt			UCCJEA			Citation			FTB Notice		<p>HERBERT J. HERNANDEZ, son, is petitioner and requests appointment as Administrator with Limited IAEA authority and \$50,000.00 placed into a blocked account.</p> <p>Limited IAEA – o.k.</p> <p>Decedent died intestate.</p> <p>Residence: Fresno</p> <p>Publication: Fresno Business Journal</p> <p>Estimated value of the estate: Personal property - \$83,400.00 Real property - \$31,275.00</p> <p>Probate Referee: RICK SMITH</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Petitioner estimates the value of the personal property of the estate at \$83,400.00. Petitioner requests \$50,000.00 be placed into a blocked account. Need bond for the remaining \$33,400.00 or waivers of bond from: <ol style="list-style-type: none"> Richard Hernandez Shawna Robles Danielle Hernandez Zachary Hernandez Christopher Hernandez Need Order to Deposit Funds into Blocked Account. <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> Friday, 11/16/2012 at 9:00 a.m. in Dept. 303 for the filing of the receipt for blocked account and/or bond (if bond is required) Friday, 03/15/2013 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> Friday, 12/13/2013 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Reviewed by: KT</td> </tr> <tr> <td>Reviewed on: 10/18/12</td> </tr> <tr> <td>Updates:</td> </tr> <tr> <td>Recommendation:</td> </tr> <tr> <td>File 9A - Hernandez</td> </tr> </table>	Reviewed by: KT	Reviewed on: 10/18/12	Updates:	Recommendation:	File 9A - Hernandez
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9B Theresa Hernandez (Estate) **Case No. 12CEPR00733**
Atty Boyajian, Thomas M (for Richard M. Hernandez-Petitioner-Son)
Atty Bagdasarian, Gary G. (for Competing Petitioner Herbert J. Hernandez - son)
Petition for Letters Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 12/25/2011		RICHARD M. HERNANDEZ , son is petitioner and request appointment as Administrator.	NEEDS/PROBLEMS/COMMENTS:
		Full IAEA-o.k.	1. #2d(1), #2d(2) or #2d(3) of the petition regarding bond is incomplete. 2. The issue of bond has not been addressed on the petition at #3d(1) or #3d(2). Need waivers of bond from: <ul style="list-style-type: none"> • Herbert J. Hernandez • Shawna Robles • Danielle Hernandez • Zachary Hernandez • Christopher Frederickson Or bond set at \$140,138.00.
Cont. from 100212		Decedent died intestate	
	Aff.Sub.Wit.		Note: If the petition is granted status hearings will be set as follows: <ul style="list-style-type: none"> • Friday, 11/16/2012 at 9:00 a.m. in Dept. 303 for the filing of the bond (if bond is required) • Friday, 03/15/2013 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Friday, 12/13/2013 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution.
✓	Verified		
	Inventory	Residence: Fresno Publication: The Business Journal	Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
	PTC		
	Not.Cred.	Estimated value of the estate:	Reviewed by: KT Reviewed on: 10/18/12 Updates: Recommendation: File 9B - Hernandez
✓	Notice of Hrg	Personal property \$108,863.00 Real property \$31,275.00 Total: \$140,138.00	
✓	Aff.Mail		
✓	Aff.Pub.	Probate Referee: Rick Smith	
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

DOD:8-23-12		JESUSITA T. GONZALEZ , Daughter-in-law and named Executor without bond, is Petitioner. Full IAEA – ok Will dated 9-27-10 Residence: Sanger Publication: Sanger Herald Estimated Value of Estate: Personal property: \$ 4,000.00 Annual income: \$ 9,537.00 Real property: \$ 700,000.00 Total: \$ 713,537.00 Probate Referee: Rick Smith	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> The Court will set status hearings as follows: <ul style="list-style-type: none"> Friday 2-8-13 for filing of the Inventory and Appraisal Friday 2-7-14 for filing of the first account or petition for final distribution. If the necessary items are filed, no appearance at the status hearing is necessary.	
<input type="checkbox"/>	Aff.Sub.Wit.			S/P
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
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<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
Reviewed by: skc				
Reviewed on: 10-18-12				
Updates:				
Recommendation: SUBMITTED				
File 10 - Gonzalez				

Status Hearing Re: Visitation with Reference to the Civil Case

Age: 5 DOB: 12/28/06	SANDRA FONSECA , Paternal Grandmother, was appointed Guardian on 9-27-12.	NEEDS/PROBLEMS/COMMENTS: Note: These Examiner Notes will be updated upon receipt of the Minute Order from the 10-22-12 Civil Harassment hearing.																																																																					
	On 9-27-12, the Court made visitation orders between the mother and the child as follows: Visitation shall be every weekend from Friday at 7:00 p.m. until Monday morning when the child is delivered to school by the mother. Mother shall be responsible for pick-up and delivery of the child unless, the child is participating in an activity. If the child is participating in an activity, the guardian will be responsible for delivering her to said activity and mother will be responsible for picking her up. Visitation shall not interfere with the child participating in any of her activities. The Court orders that appropriate child safety restraints be used at all times when transporting the child. Parties are ordered not to speak ill of one another around the child.	Note: The TRO currently in effect orders Ms. Fonseca to stay away from Ms. Carrasco and the minor's sibling, and their home, workplace and vehicle, and expires 10-22-12.																																																																					
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 30%;">Aff.Sub.Wit.</td><td style="width: 30%;"></td><td style="width: 40%;"></td></tr> <tr><td>Verified</td><td></td><td></td></tr> <tr><td>Inventory</td><td></td><td></td></tr> <tr><td>PTC</td><td></td><td></td></tr> <tr><td>Not.Cred.</td><td></td><td></td></tr> <tr><td>Notice of Hrg</td><td></td><td></td></tr> <tr><td>Aff.Mail</td><td></td><td></td></tr> <tr><td>Aff.Pub.</td><td></td><td></td></tr> <tr><td>Sp.Ntc.</td><td></td><td></td></tr> <tr><td>Pers.Serv.</td><td></td><td></td></tr> <tr><td>Conf. Screen</td><td></td><td></td></tr> <tr><td>Letters</td><td></td><td></td></tr> <tr><td>Duties/Supp</td><td></td><td></td></tr> <tr><td>Objections</td><td></td><td></td></tr> <tr><td>Video Receipt</td><td></td><td></td></tr> <tr><td>CI Report</td><td></td><td></td></tr> <tr><td>9202</td><td></td><td></td></tr> <tr><td>Order</td><td></td><td></td></tr> <tr><td>Aff. Posting</td><td></td><td></td></tr> <tr><td>Status Rpt</td><td></td><td></td></tr> <tr><td>UCCJEA</td><td></td><td></td></tr> <tr><td>Citation</td><td></td><td></td></tr> <tr><td>FTB Notice</td><td></td><td></td></tr> </table>	Aff.Sub.Wit.			Verified			Inventory			PTC			Not.Cred.			Notice of Hrg			Aff.Mail			Aff.Pub.			Sp.Ntc.			Pers.Serv.			Conf. Screen			Letters			Duties/Supp			Objections			Video Receipt			CI Report			9202			Order			Aff. Posting			Status Rpt			UCCJEA			Citation			FTB Notice			On 10-3-12 , Ms. Carrasco filed a request for a Civil Harassment Restraining Order in 12CECG03176 against Ms. Fonseca that is set for hearing on 10-24-12 and concurrently filed an Ex Parte Petition for Emergency Hearing in this Probate Guardianship case.	
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	The Probate Court denied Ms. Carrasco's Ex Parte Petition and the Order stated that any further petition will be considered only after and in light of the Court's order in the Civil Harassment case.																																																																						
	On 10-4-12 , Ms. Fonseca filed an Ex Parte Motion to set aside the visitation order and to prohibit Ms. Carrasco and Maria Garcia from interfering with the minor's education by entering school grounds.																																																																						
	The Probate Code denied Ms. Fonseca's Ex Parte Petition, but on its own motion set this status hearing regarding visitation with reference to the Civil Harassment case/order.																																																																						
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		Reviewed by: skc																																																																					
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Mother's Declaration filed 10-18-12 states the guardian is not in compliance with the Court's order and provides details of various incidents, including incidents involving law enforcement, beginning with the first visitation.

Mother states Kaylee has expressed that she does not want to be in "cheer." There has been a change in her demeanor from all of this activity, which is not just 1-2 hours as the guardian stated in Court. There are many weekend activities, including traveling to out of town and out of state events, including unreasonable trips to Stockton and Los Vegas.

Mother states the guardian seems to think that if she enrolls the minor in an activity it forfeits the mother's visitation until after the activity has taken place. She asked the guardian for a copy of Kaylee's schedule and when she finally gave it to her, she pressured her into signing it in front of Kaylee, making it clear that if she did not sign it, she would not receive her child.

Mother states if the guardian imposes this on Kaylee, that she not be allowed to take Kaylee out of state and that the activities be limited to Fresno, Kings and Tulare Counties, and that she (Mother) be the one to take her.

Mother refers to facts submitted on the restraining order request (not attached) and states she is accused, harassed, and kept under surveillance in her short time with her daughter, with the guardian insisting that she has the right to take photos of her car seats. The guardian harassed the mother, her mother, her aunt, called CPS and state licensing, and Dinuba and Hanford PD to no avail.

Mother respectfully asks the Court to reconsider and terminate this guardianship and allow her daughter to be with her mother.

**First and Final Report of Status of Administration on Waivers of Accounting and
Petition for Settlement Thereof; for Allowance of Statutory Attorney's
Compensation; for Reimbursement of Costs Advanced; and for Final Distribution
(Prob. Code 10810, 10830, 10951 and 11600 et seq.)**

DOD: 6-4-09		<p>DANIEL J. ELLSWORTH and CAROL ELLSWORTH, Co-Administrators with Limited IAEA and bond of \$45,000.00, are Petitioners.</p> <p>Accounting is waived.</p> <p>I&A: \$619,880.02</p> <p>POH: \$719.00 cash plus real properties and a vehicle.</p> <p>Co-Administrators (Statutory): Not addressed</p> <p>Attorney (Statutory): \$15,233.60</p> <p>Petitioners request that due to the limited funds in the estate, compensation, the Court authorize liens against the real properties for the amount of the authorized compensation.</p> <p>Costs: \$3,209.95 (filing, publication, certified copies, probate referee, bond, expert witness)</p> <p>Distribution pursuant to intestate succession:</p> <p>Daniel J. Ellsworth: an undivided one-half interest in the three residential real properties and an undivided one-half interest in the remaining property in the estate and remaining property in the amount of \$11,859.50.</p> <p>Anthony J. Ellsworth: an undivided one-half interest in the three residential real properties and an undivided one-half interest in the remaining property in the estate and in the amount of \$11,859.50.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Jennifer Loeffler is Guardian of the Estate of heir Anthony J. Ellsworth in 10CEPR00452. Examiner notes that Anthony turned 18 this year and is entitled to distribution outside the guardianship as provided in this petition.</p> <p>However, the Guardianship Estate has not yet been closed, as a final accounting is due pursuant to Probate Code §2630 or release from the ward pursuant to Probate Code §2627 if accounts are settled.</p> <p>The Court will set a status hearing for the filing of the final accounting or release in that case and mail notice to the appropriate parties.</p>	
Cont from 7/26/12				
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		<p>Reviewed by: skc</p> <p>Reviewed on: 10-18-12</p> <p>Updates:</p> <p>Recommendation: SUBMITTED</p> <p>File 18 - Ellsworth</p>		